

Senate Amendment 3364

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1 1 Amend Senate File 458 as follows:
1 2 #1. Page 5, by inserting after line 10 the
1 3 following:
1 4 . REDUCTION IN CREDITS NOT APPLICABLE.
1 5 The provision in section 25B.7 relating to the
1 6 proration of the property tax credits does not apply
1 7 with respect to the amount of state reimbursement for
1 8 property tax credits under this division.>
1 9 #2. Page 5, line 22, by inserting after the figure
1 10 <8.62,> the following: 1 11 charter agencies, as defined in section 7J.1, if
1 12 enacted by 2003 Iowa Acts, Senate File 453,>.
1 13 #3. Page 6, by inserting after line 11 the
1 14 following:
1 15 . REBUILD IOWA INFRASTRUCTURE FUND.
1 16 Notwithstanding section 8.57, subsection 5, there is
1 17 appropriated from the rebuild Iowa infrastructure fund
1 18 created in section 8.57, subsection 5, to the general
1 19 fund of the state during the fiscal year beginning
1 20 July 1, 2003, and ending June 30, 2004, the following
1 21 amount:
1 22 \$ 10,000,000
1 23 Sec. . IOWA LAW ENFORCEMENT ACADEMY. 2003 Iowa
1 24 Acts, Senate File 439, section 10, subsection 1,
1 25 unnumbered paragraph 2, if enacted, is amended to read
1 26 as follows:
1 27 For salaries, support, maintenance, miscellaneous
1 28 purposes, including jailer training and technical
1 29 assistance, and for not more than the following full-
1 30 time equivalent positions:
1 31 \$ ~~1,002,629~~
1 32 1,047,629
1 33 FTEs 30.05
1 34 Sec. . MILITARY PAY DIFFERENTIAL. There is
1 35 appropriated from the cash reserve fund to the
1 36 department of revenue and finance or its successor
1 37 agency for the period beginning March 19, 2003, and
1 38 ending June 30, 2003, the following amount, or so much
1 39 thereof as is necessary, for the purposes designated:
1 40 For a military pay differential program and health
1 41 insurance retention program for individuals activated
1 42 for the armed services of the United States, for
1 43 employees on the central payroll system:
1 44 \$ 1,810,000
1 45 Of the funds appropriated in this section, up to
1 46 \$10,000 is transferred to the Iowa department of
1 47 public health for allocation to community mental
1 48 health centers to provide counseling services to
1 49 persons who are members of the national guard and
1 50 reservists activated but as yet not sent to combat
2 1 zones and to the persons' family members. The
2 2 sessions shall be provided on a first come, first
2 3 served basis and shall be limited to three visits per
2 4 family.
2 5 The department or agency receiving funds under this
2 6 section shall report monthly to the fiscal committee
2 7 of the legislative council on the use of the funds.
2 8 Notwithstanding section 8.33, unencumbered or
2 9 unobligated funds remaining on June 30, 2003, from the
2 10 appropriation made in this section shall not revert
2 11 but shall remain available to be used for the purposes
2 12 designated in the following fiscal year.
2 13 Sec. . ASSISTED LIVING PROGRAMS.
2 14 Notwithstanding section 231C.6, any fees remaining on
2 15 June 30, 2003, in the assisted living program fund
2 16 created pursuant to section 231C.6 are appropriated to
2 17 the department of inspections and appeals for the
2 18 fiscal year beginning July 1, 2003, and ending June
2 19 30, 2004, to carry out the purposes of chapter 231C.>
2 20 #4. Page 6, by inserting after line 11 the
2 21 following:
2 22 . COUNTY HOSPITALS. There is
2 23 appropriated from the general fund of the state to the
2 24 department of human services for the fiscal year
2 25 beginning July 1, 2003, and ending June 30, 2004, the

2 26 following amount, or so much thereof as is necessary,
 2 27 for the purpose designated:
 2 28 For support of operational expenses of county
 2 29 hospitals in counties having a population of two
 2 30 hundred twenty-five thousand or more:
 2 31 \$ 312,000
 2 32 Sec. ____ WORKFORCE DEVELOPMENT. There is
 2 33 appropriated from the general fund of the state to the
 2 34 Iowa department of workforce development for the
 2 35 fiscal year beginning July 1, 2003, and ending June
 2 36 30, 2004, the following amount, or so much thereof as
 2 37 is necessary, for the purpose designated:
 2 38 For salaries and support and for the following
 2 39 full-time equivalent positions.
 2 40 \$ 250,000
 2 41 FTEs 5.00
 2 42 The appropriation in this section shall be used for
 2 43 four OSHA inspectors and one workers' compensation
 2 44 compliance officer. The appropriation in this section
 2 45 is contingent upon the enactment of 2003 Iowa Acts,
 2 46 Senate File 344, by the Eightieth General Assembly,
 2 47 2003 Regular Session.>
 2 48 #5. Page 7, by inserting after line 2 the
 2 49 following:
 2 50 ____ Section 256D.4, subsection 2,
 3 1 unnumbered paragraph 1, Code 2003, is amended to read
 3 2 as follows:
 3 3 ~~For each fiscal year in the fiscal period beginning~~
 3 4 ~~July 1, 2001, and ending June 30, 2003, moneys~~ Moneys
 3 5 appropriated pursuant to section 256D.5, subsection 3,
 3 6 shall be allocated to school districts as follows:
 3 7 Sec. ____ Section 256D.5, subsection 3, Code 2003,
 3 8 is amended to read as follows:
 3 9 3. For each fiscal year of the fiscal period
 3 10 beginning July 1, 2001, and ending June 30, ~~2003~~ 2004,
 3 11 the sum of thirty million dollars.>
 3 12 #6. Page 8, by inserting after line 23 the
 3 13 following:
 3 14 ____ 2002 Iowa Acts, chapter 1173, section
 3 15 18, is amended to read as follows:
 3 16 SEC. 18. POOLED TECHNOLOGY FUNDING == PRIOR
 3 17 ALLOCATIONS == NONREVERSION. Notwithstanding section
 3 18 8.33, moneys appropriated and allocated in 2001 Iowa
 3 19 Acts, chapter 189, section 5, subsection 1, which
 3 20 remain unobligated or unexpended at the close of the
 3 21 fiscal year for which they were appropriated shall not
 3 22 revert, but shall remain available for expenditure for
 3 23 the purposes for which they were appropriated and
 3 24 allocated, for the fiscal year period beginning July
 3 25 1, 2002, and ending June 30, ~~2003~~ 2004.>
 3 26 #7. Page 9, by inserting after line 15 the
 3 27 following:
 3 28 ____ 2003 Iowa Acts, House File 655, section
 3 29 24, if enacted, is amended to read as follows:
 3 30 SEC. 24. READY TO WORK PROGRAM COORDINATOR. There
 3 31 is appropriated from ~~the surplus funds in the long-~~
 3 32 ~~term disability reserve fund and the workers'~~
 3 33 compensation trust fund to the department of personnel
 3 34 for the fiscal year beginning July 1, 2003, and ending
 3 35 June 30, 2004, the following amount, or so much
 3 36 thereof as is necessary, to be used for the purposes
 3 37 designated:
 3 38 For the salary, support, and miscellaneous expenses
 3 39 for the ready to work program and coordinator:
 3 40 \$ 89,416
 3 41 ~~The moneys appropriated pursuant to this section~~
 3 42 ~~shall be taken in equal proportions from the long-term~~
 3 43 ~~disability reserve fund and the workers' compensation~~
 3 44 ~~trust fund.~~
 3 45 Sec. ____ 2003 Iowa Acts, House File 655, section
 3 46 34, if enacted, is amended to read as follows:
 3 47 SEC. 34. READY TO WORK PROGRAM COORDINATOR. There
 3 48 is appropriated from ~~the surplus funds in the long-~~
 3 49 ~~term disability reserve fund and the workers'~~
 3 50 compensation trust fund to the department of
 4 1 administrative services for the fiscal year beginning
 4 2 July 1, 2003, and ending June 30, 2004, the following
 4 3 amount, or so much thereof as is necessary, to be used
 4 4 for the purposes designated:
 4 5 For the salary, support, and miscellaneous expenses
 4 6 for the ready to work program and coordinator:

4 7 \$
 4 8 ~~The moneys appropriated pursuant to this section~~
 4 9 ~~shall be taken in equal proportions from the long-term~~
 4 10 ~~disability reserve fund and the workers' compensation~~
 4 11 ~~trust fund.~~
 4 12 Sec. _____. CONTINGENT CASH RESERVE APPROPRIATION.
 4 13 1. There is appropriated from the cash reserve
 4 14 fund to the general fund of the state for the fiscal
 4 15 year beginning July 1, 2002, and ending June 30, 2003,
 4 16 for the purposes of reducing or preventing any
 4 17 overdraft on or deficit in the general fund of the
 4 18 state, an amount not to exceed \$50,000,000.
 4 19 2. The appropriation made in subsection 1 is
 4 20 contingent upon all of the following having occurred:
 4 21 a. The revenue estimating conference estimate of
 4 22 general fund receipts made during the last quarter of
 4 23 the fiscal year was or the actual fiscal year receipts
 4 24 and accruals were at least one-half of one percent
 4 25 less than the comparable estimate made during the
 4 26 third quarter of the fiscal year.
 4 27 b. The governor has implemented the uniform
 4 28 reductions in appropriations required in section 8.31
 4 29 as a result of paragraph "a" and such reduction was
 4 30 insufficient to prevent an overdraft on or deficit in
 4 31 the general fund of the state or the governor did not
 4 32 implement uniform reductions in appropriations because
 4 33 of the lateness of the estimated or actual receipts
 4 34 and accruals under paragraph "a".
 4 35 c. The balance of the general fund of the state at
 4 36 the end of the fiscal year prior to the appropriation
 4 37 made in subsection 1 was negative.
 4 38 d. The governor has issued an official
 4 39 proclamation and has notified the cochairpersons of
 4 40 the fiscal committee of the legislative council and
 4 41 the legislative services agency that the contingencies
 4 42 in paragraphs "a" through "c" have occurred and the
 4 43 reasons why the uniform reductions specified in
 4 44 paragraph "b" were insufficient or were not
 4 45 implemented to prevent an overdraft on or deficit in
 4 46 the general fund of the state.
 4 47 3. If an appropriation is made pursuant to
 4 48 subsection 1 for a fiscal year, there is appropriated
 4 49 from the general fund of the state to the cash reserve
 4 50 fund for the following fiscal year, the amount of the
 5 1 appropriation made pursuant to subsection 1.>
 5 2 #8. Page 9, by inserting after line 20 the
 5 3 following:
 5 4 <____. The section amending 2002 Iowa Acts, chapter
 5 5 1173, section 18, relating to the nonreversion of
 5 6 pooled technology funding.
 5 7 _____. The section appropriating moneys from the
 5 8 cash reserve fund for the military pay differential
 5 9 program. This section applies retroactively to March
 5 10 19, 2003.
 5 11 _____. The section appropriating moneys from the
 5 12 assisted living program fund.
 5 13 _____. The section making the contingent
 5 14 appropriation from the cash reserve fund.>
 5 15 #9. Page 10, by inserting after line 26 the
 5 16 following:
 5 17 <____. The collective bargaining agreement
 5 18 negotiated pursuant to chapter 20 for employees in the
 5 19 patient care bargaining unit.
 5 20 _____. The collective bargaining agreement
 5 21 negotiated pursuant to chapter 20 for employees in the
 5 22 science bargaining unit.>
 5 23 #10. Page 21, by inserting after line 16 the
 5 24 following:
 5 25 _____. Section 7J.1, subsection 1, if enacted
 5 26 by 2003 Iowa Acts, Senate File 453, is amended to read
 5 27 as follows:
 5 28 7J.1 CHARTER AGENCIES.
 5 29 1. DESIGNATION OF CHARTER AGENCIES == PURPOSE.
 5 30 The governor may, by executive order, designate ~~up to~~
 5 31 ~~five~~ state departments or agencies, as described in
 5 32 section 7E.5, other than the department of
 5 33 administrative services, if the department is
 5 34 established in law, or the department of management,
 5 35 as a charter agency by July 1, 2003. The designation
 5 36 of a charter agency shall be for a period of five
 5 37 years which shall terminate as of June 30, 2008. The

5 38 purpose of designating a charter agency is to grant
5 39 the agency additional authority as provided by this
5 40 chapter while reducing the total appropriations to the
5 41 agency.

5 42 Sec. _____. Section 7J.1, subsection 3, paragraph a,
5 43 if enacted by 2003 Iowa Acts, Senate File 453, is
5 44 amended to read as follows:

5 45 a. It is the intent of the general assembly that
5 46 state general fund operating appropriations to a
5 47 charter agency for ~~any~~ the fiscal year beginning July
5 48 1, 2003, and ending June 30, 2004, shall be reduced,
5 49 ~~with a target reduction of ten percent for each~~
5 50 ~~charter agency,~~ from the appropriation that would
6 1 otherwise have been enacted for that charter agency
6 2 which, along with any additional generated revenue to
6 3 the general fund of the state attributed to the
6 4 reinvention process as determined by the department of
6 5 management, over that already committed to the general
6 6 fund of the state by a charter agency, will achieve an
6 7 overall target of fifteen million dollars.

6 8 Sec. _____. Section 7J.2, if enacted by 2003 Iowa
6 9 Acts, Senate File 453, is amended to read as follows:

6 10 7J.2 CHARTER AGENCY ~~LOAN GRANT~~ FUND.

6 11 1. A charter agency ~~loan grant~~ fund is created in
6 12 the state treasury under the control of the department
6 13 of management for the purpose of providing funding to
6 14 support innovation by those state agencies designated
6 15 as charter agencies in accordance with section 7J.1.
6 16 Innovation purposes shall include but are not limited
6 17 to training, development of outcome measurement
6 18 systems, management system modifications, and other
6 19 modifications associated with transition of operations
6 20 to charter agency status. Moneys in the fund are
6 21 appropriated to the department of management for the
6 22 purposes described in this subsection.

6 23 2. A charter agency requesting a ~~loan grant~~ from
6 24 the fund shall complete an application process
6 25 designated by the director of the department of
6 26 management. ~~Minimum loan requirements for charter~~

6 27 ~~agency requests shall be determined by the director.~~

6 28 3. ~~In order for the fund to be self-supporting,~~
6 29 ~~the director of the department of management shall~~
6 30 ~~establish repayment schedules for each loan awarded.~~
6 31 ~~An agency shall repay the loan over a period not to~~
6 32 ~~exceed five years with interest, at a rate to be~~
6 33 ~~determined by the director.~~

6 34 4. ~~3.~~ Notwithstanding section 12C.7, subsection 2,
6 35 interest or earnings on moneys deposited in the
6 36 charter agency ~~loan grant~~ fund shall be credited to
6 37 the charter agency ~~loan grant~~ fund. Notwithstanding
6 38 section 8.33, moneys credited to the charter agency
6 39 ~~loan grant~~ fund shall not revert to the fund from
6 40 which appropriated at the close of a fiscal year.

6 41 Sec. _____. Section 8.23, subsection 1, paragraph a,
6 42 Code 2003, is amended by striking the paragraph.

6 43 Sec. _____. Section 8.31, Code 2003, is amended to
6 44 read as follows:

6 45 8.31 QUARTERLY REQUISITIONS == ALLOTMENTS OF
6 46 APPROPRIATIONS == EXCEPTIONS == MODIFICATIONS.

6 47 1. a. Before an appropriation ~~for administration,~~
6 48 ~~operation and maintenance~~ of any department or
6 49 establishment ~~shall become~~ becomes available, ~~there~~
6 50 ~~shall be submitted the department or establishment~~
7 1 ~~shall submit~~ to the director of the department of
7 2 management, ~~not less than twenty days before the~~
7 3 ~~beginning of each quarter of each fiscal year,~~ a
7 4 requisition for an allotment of the ~~amount estimated~~
7 5 ~~to be necessary to carry on its work~~ appropriation
7 6 according to dates identified in the requisition
7 7 during the ensuing quarter fiscal year by which
7 8 portions of the appropriation will be needed. The
7 9 department or establishment shall submit the
7 10 requisition by June 1, prior to the start of a fiscal
7 11 year or by another date identified by the director.

7 12 The requisition shall contain details of proposed
7 13 expenditures as may be required by the director ~~of the~~
7 14 ~~department of management~~ subject to review by the
7 15 governor.

7 16 b. The director of the department of management
7 17 shall approve the allotments subject to review by the
7 18 governor, unless it is found that the estimated budget

7 19 resources during the fiscal year are insufficient to
7 20 pay all appropriations in full, in which event such
7 21 allotments may be modified to the extent the governor
7 22 may deem necessary in order that there shall be no
7 23 overdraft or deficit in the several funds of the state
7 24 at the end of the fiscal year, and the director shall
7 25 submit copies of the allotments thus approved or
7 26 modified to the head of the department or
7 27 establishment concerned, who shall set up such
7 28 allotments on the books and be governed accordingly in
7 29 the control of expenditures.
7 30 ~~Allotments of appropriations made for equipment,~~
7 31 ~~land, permanent improvements, and other capital~~
7 32 ~~projects may, however, be allotted in one amount by~~
7 33 ~~major classes or projects for which they are~~
7 34 ~~expendable without regard to quarterly periods. For~~
7 35 ~~fiscal years beginning on or after July 1, 1989,~~
7 36 ~~allotments of appropriations for equipment, land,~~
7 37 ~~permanent improvements, and other capital projects,~~
7 38 ~~except where contracts have been entered into with~~
7 39 ~~regard to the acquisition or project prior to July 1,~~
7 40 ~~1989, shall not be allotted in one amount but shall be~~
7 41 ~~allotted at quarterly periods as provided in this~~
7 42 ~~section.~~

7 43 2. Allotments ~~thus~~ made in accordance with
7 44 subsection 1 may be subsequently modified by the
7 45 director of the department of management at the
7 46 direction of the governor either upon the written
7 47 request of the head of the department or establishment
7 48 concerned, or in the event the governor finds that the
7 49 estimated budget resources during the fiscal year are
7 50 insufficient to pay all appropriations in full, upon
8 1 the governor's own initiative to the extent the
8 2 governor may deem necessary in order that there shall
8 3 be no overdraft or deficit in the several funds of the
8 4 state at the end of the fiscal year; and the head of
8 5 the department or establishment shall be given notice
8 6 of a modification in the same way as in the case of
8 7 original allotments.

8 8 3. ~~Provided, however, that the~~ The allotment
8 9 requests of all departments and establishments
8 10 collecting governmental fees and other revenue which
8 11 supplement a state appropriation shall attach to the
8 12 summary of requests a statement showing how much of
8 13 the proposed allotments are to be financed from ~~(1)~~
8 14 state appropriations, ~~(2)~~ stores, and ~~(3)~~ repayment
8 15 receipts.

8 16 4. The procedure to be employed in controlling the
8 17 expenditures and receipts of the state fair board and
8 18 the institutions under the state board of regents,
8 19 whose collections are not deposited in the state
8 20 treasury, is that outlined in section 421.31,
8 21 subsection 6.

8 22 5. If the governor determines that the estimated
8 23 budget resources during the fiscal year are
8 24 insufficient to pay all appropriations in full, the
8 25 reductions shall be uniform and prorated between all
8 26 departments, agencies and establishments upon the
8 27 basis of their respective appropriations.

8 28 6. Allotments from appropriations for the foreign
8 29 trade offices of the department of economic
8 30 development, if the appropriations are described by
8 31 line item in the department's appropriation Act or
8 32 another Act, may be made ~~without regard to quarterly~~
8 33 ~~periods~~ as is necessary to take advantage of the most
8 34 favorable foreign currency exchange rates.

8 35 Sec. _____. Section 8.57, subsection 1, paragraph c,
8 36 Code 2003, is amended to read as follows:

8 37 c. The amount appropriated in this section is not
8 38 subject to the provisions of section 8.31, relating to
8 39 ~~quarterly~~ requisitions and allotment, or to section
8 40 8.32, relating to conditional availability of
8 41 appropriations.>

8 42 #11. Page 21, by inserting after line 26 the
8 43 following:

8 44 _____. Section 12C.27, Code 2003, is amended
8 45 by striking the section and inserting in lieu thereof
8 46 the following:

8 47 12C.27 FAILURE TO MAINTAIN REQUIRED COLLATERAL.
8 48 If the treasurer of state determines that a bank
8 49 fails to comply with chapter 12C.22, subsections 2 and

8 50 3, the treasurer of state may restrict that bank from
9 1 accepting uninsured public funds and shall notify the
9 2 office of thrift supervision, the office of the
9 3 comptroller of the currency, or the superintendent as
9 4 applicable, who may take such action against the bank,
9 5 its board of directors and officers as permitted by
9 6 law.>

9 7 #12. Page 22, by inserting after line 12 the
9 8 following:

9 9 _____. Section 15E.42, subsection 3, Code
9 10 2003, is amended to read as follows:

9 11 3. "Investor" means an individual making a cash
9 12 investment in a qualifying business or an individual
9 13 taxed on income from a revocable trust's cash
9 14 investment in a qualifying business or a person making
9 15 a cash investment in a community-based seed capital
9 16 fund. "Investor" does not include a person which is a
9 17 current or previous owner, member, or shareholder in a
9 18 qualifying business.

9 19 Sec. _____. Section 15E.43, subsection 1, paragraph
9 20 a, Code 2003, is amended to read as follows:

9 21 a. For tax years beginning on or after January 1,
9 22 2002, a tax credit shall be allowed against the taxes
9 23 imposed in chapter 422, division II, for a portion of
9 24 an individual taxpayer's equity investment, as
9 25 provided in subsection 2, in a qualifying business.
9 26 An individual shall not claim a tax credit under this
9 27 paragraph of a partnership, limited liability company,
9 28 S corporation, estate, or trust electing to have
9 29 income taxed directly to the individual. However, an
9 30 individual receiving income from a revocable trust's
9 31 investment in a qualified business may claim a tax
9 32 credit under this paragraph against the taxes imposed
9 33 in chapter 422, division II, for a portion of the
9 34 revocable trust's equity investment, as provided in
9 35 subsection 2, in a qualified business.

9 36 Sec. _____. Section 15E.43, subsection 1, Code 2003,
9 37 is amended by adding the following new paragraph:

9 38 NEW PARAGRAPH. d. In the case of a tax credit
9 39 allowed against the taxes imposed in chapter 422,
9 40 division II, where the taxpayer died prior to
9 41 redeeming the entire tax credit, the remaining credit
9 42 can be redeemed on the decedent's final income tax
9 43 return.

9 44 Sec. _____. Section 15E.45, subsection 2, paragraph
9 45 c, Code 2003, is amended to read as follows:

9 46 c. The fund has no fewer than ten ~~individual~~
9 47 investors who are not affiliates, with no single
9 48 investor and affiliates of that investor together
9 49 owning a total of more than twenty-five percent of the
9 50 ownership interests outstanding in the fund.

10 1 Sec. _____. Section 15E.51, subsection 4, Code 2003,
10 2 is amended to read as follows:

10 3 4. A taxpayer shall not claim a tax credit under
10 4 this section if the taxpayer is a venture capital
10 5 investment fund allocation manager for the Iowa fund
10 6 of funds created in section 15E.65 or an investor that
10 7 receives a tax credit for an the same investment in a
10 8 community-based seed capital fund as defined in 2002
10 9 Iowa Acts, House File 2271.

10 10 Sec. _____. Section 15E.66, Code 2003, is amended by
10 11 adding the following new subsection:

10 12 NEW SUBSECTION. 8. At such time that the Iowa
10 13 capital investment corporation requests the issuance
10 14 of tax credits with respect to an investment in the
10 15 Iowa fund of funds and prior to issuing such tax
10 16 credits, the board shall consider the terms of the
10 17 investment and the terms of the proposed tax credit
10 18 certificate and shall assess the level of risk that
10 19 the tax credits will be redeemed and the likelihood
10 20 that the investment will result in returns in excess
10 21 of amounts payable to designated investors which may
10 22 be reinvested in the Iowa fund of funds revolving fund
10 23 as provided in section 15E.65. In making this
10 24 determination, the board shall compare how alternative
10 25 investment structures would affect the level of risk
10 26 that the tax credits will be redeemed and the
10 27 likelihood that the investment will cause excess
10 28 returns to be generated in the Iowa fund of funds for
10 29 reinvestment in the revolving fund. The board may
10 30 issue tax credits with respect to a particular

10 31 investment in the Iowa fund of funds consistent with
10 32 the provisions hereof if it determines that the Iowa
10 33 capital investment corporation has structured the
10 34 investments in the Iowa fund of funds in an
10 35 appropriate manner to minimize the risk that the tax
10 36 credits will be redeemed and to maximize the amount
10 37 available to be reinvested in the Iowa fund of funds
10 38 revolving fund. A member of the board shall not incur
10 39 any liability with respect to any decision to issue
10 40 tax credits or to refuse to issue tax credits or with
10 41 respect to the performance of the investments in the
10 42 Iowa fund of funds.>

10 43 #13. Page 27, line 3, by inserting after the
10 44 figure <29C.6> the following: <and disaster medical
10 45 assistance teams when acting under the provisions of
10 46 section 135.153>.

10 47 #14. Page 28, by inserting after line 9 the
10 48 following:

10 49 _____. Section 80B.5, Code 2003, is amended to
10 50 read as follows:

11 1 80B.5 ADMINISTRATION.

11 2 The administration of the Iowa law enforcement
11 3 academy and council Act shall be vested in the office
11 4 of the governor. ~~A director of the academy and such~~
11 5 ~~staff~~ Staff as may be necessary for ~~it~~ the law
11 6 ~~enforcement academy~~ to function shall be employed

11 7 pursuant to the Iowa merit system.

11 8 Sec. _____. NEW SECTION. 80B.5A DIRECTOR.

11 9 The governor shall appoint the director of the Iowa
11 10 law enforcement academy, subject to senate
11 11 confirmation, to a four-year term beginning and ending
11 12 as provided in section 69.19.>

11 13 #15. Page 28, by striking lines 10 through 34 and
11 14 inserting the following:

11 15 _____. Section 99G.9, subsection 3, paragraph

11 16 j, if enacted by 2003 Iowa Acts, Senate File 453, is
11 17 amended by striking the paragraph.

11 18 Sec. _____. Section 99G.40, subsection 5, if enacted
11 19 by 2003 Iowa Acts, Senate File 453, is amended to read
11 20 as follows:

11 21 5. The authority shall adopt the same fiscal year
11 22 as that used by state government and shall be audited
11 23 annually by the auditor of state or a certified public
11 24 accounting firm appointed by the auditor. The auditor
11 25 of state or a designee conducting an audit under this
11 26 chapter shall have access and authority to examine any
11 27 and all records of licensees necessary to determine
11 28 compliance with this chapter and the rules adopted
11 29 pursuant to this chapter. The cost of audits and
11 30 examinations conducted by the auditor of state or a
11 31 designee shall be paid for by the authority.>

11 32 #16. Page 28, by inserting before line 35 the
11 33 following:

11 34 _____. Section 257.11, subsection 5, paragraph
11 35 b, Code 2003, is amended to read as follows:

11 36 b. A school district which establishes a regional
11 37 academy shall be eligible to assign its resident
11 38 pupils attending classes at the academy a weighting of
11 39 one-tenth of the percentage of the pupil's school day
11 40 during which the pupil attends classes at the regional
11 41 academy. For the purposes of this subsection,
11 42 "regional academy" means an educational institution
11 43 established by a school district to which multiple
11 44 schools send pupils in grades ~~seven~~ nine through
11 45 twelve, and may include a virtual academy. A regional
11 46 academy shall include in its curriculum advanced-level
11 47 courses and may include in its curriculum vocational=
11 48 ~~technical programs~~ courses. The maximum amount of
11 49 additional weighting for which a school district

12 1 an amount corresponding to fifteen additional pupils.

12 2 The minimum amount of additional weighting for which a
12 3 school district establishing a regional academy shall

12 4 be eligible is an amount corresponding to ten

12 5 additional pupils if the academy provides both

12 6 advanced-level courses and vocational technical

12 7 courses. However, if the sum of the funding amount

12 8 calculated for all districts operating regional

12 9 academies under this subsection exceeds one million

12 10 dollars for the school year beginning July 1, 2004,

12 11 and each succeeding fiscal year, the director of the

12 12 department of management shall prorate the amount
12 13 calculated for each district. The proration shall be
12 14 based upon the amount calculated for each district
12 15 when compared to the sum of the amount for all
12 16 districts.

12 17 Sec. _____. NEW SECTION. 174.24 LIABILITY OF
12 18 COUNTY FAIR SOCIETY.

12 19 A society, as defined in section 174.1, shall be
12 20 immune from liability for any damages incurred at a
12 21 county fair held by the society if the damages were
12 22 incurred on or at an exhibit, leased facility,
12 23 amusement ride, or an activity not under the control
12 24 of the society, if the county fair requires the vendor
12 25 in control of the exhibit, leased facility, amusement
12 26 ride, or other activity to obtain liability insurance
12 27 of at least three hundred thousand dollars. An
12 28 officer or employee of a society, as defined in
12 29 section 174.1, shall not be held liable for punitive
12 30 damages as a result of acts in the performance of the
12 31 officer's or employee's duties, unless reckless
12 32 misconduct is proven.>

12 33 #17. Page 31, by inserting after line 21 the
12 34 following:

12 35 _____. Section 284.13, subsection 1, paragraph
12 36 g, unnumbered paragraph 1, Code 2003, is amended to
12 37 read as follows:

12 38 For each fiscal year in which funds are
12 39 appropriated for purposes of this chapter, the moneys
12 40 remaining after distribution as provided in paragraphs
12 41 "a" through "f" and "h" shall be allocated to school
12 42 districts for salaries and career development in
12 43 accordance with the following formula:>

12 44 #18. Page 35, by inserting after line 17 the
12 45 following:

12 46 _____. Section 331.605C, subsections 1 and 2,
12 47 if enacted by 2003 Iowa Acts, Senate File 453, are
12 48 amended to read as follows:

12 49 1. For the fiscal year beginning July 1, 2003, and
12 50 ending June 30, 2004, the recorder shall collect a fee
13 1 of five dollars for each recorded transaction.

13 2 regardless of the number of pages, for which a fee is
13 3 paid pursuant to section 331.604 to be used for the
13 4 purposes of planning and implementing electronic
13 5 recording and electronic transactions in each county
13 6 and developing county and statewide internet websites
13 7 to provide electronic access to records and
13 8 information.

13 9 2. Beginning July 1, 2004, the recorder shall
13 10 collect a fee of one dollar for each recorded
13 11 transaction, regardless of the number of pages, for
13 12 which a fee is paid pursuant to section 331.604 to be
13 13 used for the purpose of paying the county's ongoing
13 14 costs of maintaining the systems developed and
13 15 implemented under subsection 1.>

13 16 #19. Page 36, by inserting after line 15 the
13 17 following:

13 18 _____. Section 423.4, Code 2003, is amended by
13 19 adding the following new subsection:

13 20 NEW SUBSECTION. 9A. Vehicles subject to
13 21 registration which are transferred from a corporation
13 22 that is primarily engaged in the business of leasing
13 23 vehicles subject to registration to a corporation that
13 24 is primarily engaged in the business of leasing
13 25 vehicles subject to registration when the transferor
13 26 and transferee corporations are part of the same
13 27 controlled group for federal income tax purposes.>

13 28 #20. Page 37, by striking line 5 and inserting the
13 29 following: bonded certificate of title
13 30 under ~~chapter 321~~ section 321.42. If>.

13 31 #21. Page 37, by inserting after line 9 the
13 32 following:

13 33 _____. Section 452A.2, Code 2003, is amended
13 34 by adding the following new subsection:

13 35 NEW SUBSECTION. 20A. "Nonterminal storage
13 36 facility" means a facility where motor fuel or special
13 37 fuel, other than liquefied petroleum gas, is stored
13 38 that is not supplied by a pipeline or a marine vessel.
13 39 "Nonterminal storage facility" includes a facility
13 40 that manufactures products such as alcohol, biofuel,
13 41 blend stocks, or additives which may be used as motor
13 42 fuel or special fuel, other than liquefied petroleum

13 43 gas, for operating motor vehicles or aircraft.>
13 44 #22. Page 37, line 22, by inserting after the word
13 45 the following: 13 46 8.33, any unexpended balance in the fund at the end of
13 47 the fiscal year shall be retained in the fund.>
13 48 #23. Page 39, by inserting after line 18 the
13 49 following:
13 50 _____. Section 505.7, Code 2003, is amended by
14 1 adding the following new subsection:
14 2 NEW SUBSECTION. 9. The commissioner may retain
14 3 funds collected during the fiscal year beginning July
14 4 1, 2003, pursuant to any settlement, enforcement
14 5 action, or other legal action authorized under federal
14 6 or state law for the purpose of reimbursing costs and
14 7 expenses of the division.
14 8 Sec. _____. Section 518.18, unnumbered paragraph 2,
14 9 Code 2003, is amended to read as follows:
14 10 1. ~~Two~~ The applicable percent of the gross amount
14 11 of premiums received during the preceding calendar
14 12 year, after deducting the amount returned upon the
14 13 canceled policies, certificates, and rejected
14 14 applications; and after deducting premiums paid for
14 15 windstorm or hail reinsurance on properties
14 16 specifically reinsured; ~~provided, however, that,~~
14 17 However, the reinsurer of such windstorm or hail risks
14 18 shall pay ~~two~~ the applicable percent of the gross
14 19 amount of reinsurance premiums received upon such
14 20 risks after deducting the amounts returned upon
14 21 canceled policies, certificates, and rejected
14 22 applications. For purposes of this section,
14 23 "applicable percent" means the same as specified in
14 24 section 432.1, subsection 4.
14 25 2. Except as provided in subsection 3, the premium
14 26 tax shall be paid on or before March 1 of the year
14 27 following the calendar year for which the tax is due.
14 28 The commissioner of insurance may suspend the
14 29 certificate of authority of a county mutual insurance
14 30 association that fails to pay its premium tax on or
14 31 before the due date.
14 32 3. a. Each county mutual insurance association
14 33 transacting business in this state whose Iowa premium
14 34 tax liability for the preceding calendar year was one
14 35 thousand dollars or more shall remit on or before June
14 36 1, on a prepayment basis, an amount equal to one-half
14 37 of the premium tax liability for the preceding
14 38 calendar year.
14 39 b. In addition to the prepayment amount in
14 40 paragraph "a", each association shall remit on or
14 41 before June 30, on a prepayment basis, an additional
14 42 amount equal to the following percent of the premium
14 43 tax liability for the preceding calendar year as
14 44 follows:
14 45 (1) For prepayment in the 2003 and 2004 calendar
14 46 years, eleven percent.
14 47 (2) For prepayment in the 2005 calendar year,
14 48 twenty-six percent.
14 49 (3) For prepayment in the 2006 and subsequent
14 50 calendar years, fifty percent.
15 1 c. The sums prepaid by a county mutual insurance
15 2 association under this subsection shall be allowed as
15 3 credits against its premium tax liability for the
15 4 calendar year during which the payments are made. If
15 5 a prepayment made under this subsection exceeds the
15 6 annual premium tax liability, the excess shall be
15 7 allowed as a credit against subsequent prepayment or
15 8 tax liabilities. The commissioner of insurance may
15 9 suspend the certificate of authority of an association
15 10 that fails to make a prepayment on or before the due
15 11 date.
15 12 Sec. _____. Section 518A.35, Code 2003, is amended
15 13 to read as follows:
15 14 518A.35 ANNUAL TAX.
15 15 1. A state mutual insurance association doing
15 16 business under this chapter shall on or before the
15 17 first day of March, each year, pay to the director of
15 18 revenue and finance, or a depository designated by the
15 19 director, a sum equivalent to ~~two~~ the applicable
15 20 percent of the gross receipts from premiums and fees
15 21 for business done within the state, including all
15 22 insurance upon property situated in the state without
15 23 including or deducting any amounts received or paid
15 24 for reinsurance. However, a company reinsuring

15 25 windstorm or hail risks written by county mutual
15 26 insurance associations is required to pay ~~a two the~~
15 27 applicable percent tax on the gross amount of
15 28 reinsurance premiums received upon such risks, but
15 29 after deducting the amount returned upon canceled
15 30 policies and rejected applications covering property
15 31 situated within the state, and dividends returned to
15 32 policyholders on property situated within the state.
15 33 For purposes of this section, "applicable percent"
15 34 means the same as specified in section 432.1,
15 35 subsection 4.
15 36 2. Except as provided in subsection 3, the premium
15 37 tax shall be paid on or before March 1 of the year
15 38 following the calendar year for which the tax is due.
15 39 The commissioner of insurance may suspend the
15 40 certificate of authority of a state mutual insurance
15 41 association that fails to pay its premium tax on or
15 42 before the due date.
15 43 3. a. Each state mutual insurance association
15 44 transacting business in this state whose Iowa premium
15 45 tax liability for the preceding calendar year was one
15 46 thousand dollars or more shall remit on or before June
15 47 1, on a prepayment basis, an amount equal to one-half
15 48 of the premium tax liability for the preceding
15 49 calendar year.
15 50 b. In addition to the prepayment amount in
16 1 paragraph "a", each association shall remit on or
16 2 before June 30, on a prepayment basis, an additional
16 3 amount equal to the following percent of the premium
16 4 tax liability for the preceding calendar year as
16 5 follows:
16 6 (1) For prepayment in the 2003 and 2004 calendar
16 7 years, eleven percent.
16 8 (2) For prepayment in the 2005 calendar year,
16 9 twenty-six percent.
16 10 (3) For prepayment in the 2006 and subsequent
16 11 calendar years, fifty percent.
16 12 c. The sums prepaid by a state mutual insurance
16 13 association under this subsection shall be allowed as
16 14 credits against its premium tax liability for the
16 15 calendar year during which the payments are made. If
16 16 a prepayment made under this subsection exceeds the
16 17 annual premium tax liability, the excess shall be
16 18 allowed as a credit against subsequent prepayment or
16 19 tax liabilities. The commissioner of insurance may
16 20 suspend the certificate of authority of an association
16 21 that fails to make a prepayment on or before the due
16 22 date.
16 23 Sec. ____. 2003 Iowa Acts, Senate File 453, section
16 24 30, if enacted, is amended by striking the section and
16 25 inserting in lieu thereof the following:
16 26 SEC. 30. CHARGE FOR RENT. For the fiscal year
16 27 beginning July 1, 2003, and ending June 30, 2004, the
16 28 department of administrative services, if established
16 29 in 2003 Iowa Acts, House File 534, shall transfer
16 30 \$900,000 to the general fund of the state from the
16 31 rent fund if established under section 8A.123 in 2003
16 32 Iowa Acts, House File 534.
16 33 Sec. ____. 2003 Iowa Acts, Senate File 453, section
16 34 35, if enacted, is amended to read as follows:
16 35 SEC. 35. CHARTER AGENCY APPROPRIATIONS.
16 36 1. Notwithstanding any provision of law to the
16 37 contrary, the total operating appropriations
16 38 reductions as allowed under section 7J.1 from the
16 39 general fund of the state to those departments and
16 40 agencies designated as charter agencies and additional
16 41 revenue to the general fund of the state attributed to
16 42 the reinvention process as determined by the
16 43 department of management above that already committed
16 44 to the general fund of the state generated for the
16 45 fiscal year beginning July 1, 2003, and ending June
16 46 30, 2004, as provided by the appropriation to those
16 47 agencies as enacted by the Eightieth General Assembly,
16 48 2003 Regular Session, shall be reduced by total
16 49 \$15,000,000. The department of management shall apply
16 50 the appropriation reductions, with a target of a 10
17 1 percent reduction for each charter agency, as
17 2 necessary to which along with additional generated
17 3 revenue shall achieve the overall reduction amount and
17 4 shall make this information available to the
17 5 legislative fiscal committee and the legislative

17 6 fiscal bureau. ~~It is the intent of the general~~
~~17 7 assembly that appropriations to a charter agency in~~
~~17 8 subsequent fiscal years shall be similarly adjusted~~
~~17 9 from the appropriation that would otherwise have been~~
~~17 10 enacted.~~

17 11 2. There is appropriated from the general fund of
17 12 the state to the department of management for the
17 13 fiscal year beginning July 1, 2003, and ending June
17 14 30, 2004, the following amount, or so much thereof as
17 15 is necessary, to be used for the purposes designated:

17 16 For deposit in the charter agency ~~loan~~ grant fund
17 17 created in section 7J.2:

17 18 \$ 3,000,000

~~17 19 3. For the fiscal year beginning July 1, 2003, and~~
~~17 20 ending June 30, 2004, if the actual amount of revenue~~
~~17 21 received by a charter agency exceeds the revenue~~
~~17 22 amount budgeted for that charter agency by the~~
~~17 23 governor and the general assembly, the charter agency~~
~~17 24 may consider the excess amount to be repayment~~
~~17 25 receipts as defined in section 8.2.~~

17 26 Sec. _____. Notwithstanding section 8.33,
17 27 unencumbered and unobligated funds remaining from the
17 28 appropriation made in 1996 Iowa Acts, chapter 1218,
17 29 section 13, subsection 2, paragraph "a", subparagraph
17 30 (2), as amended by 1997 Iowa Acts, chapter 215,
17 31 section 3, and from the appropriation made in 1997
17 32 Iowa Acts, chapter 215, section 4, subsection 1, shall
17 33 not revert but shall be available for the purposes
17 34 designated in those provisions until the close of the
17 35 fiscal year beginning July 1, 2003.>

17 36 #24. Page 39, by inserting after line 27 the
17 37 following:

17 38 _____. 2003 Iowa Acts, Senate File 453,
17 39 section 121, if enacted, is amended to read as
17 40 follows:

17 41 SEC. 121. EFFECTIVE DATE. This division of this
17 42 Act, creating the Iowa lottery authority, takes effect
17 43 ~~September~~ July 1, 2003.>

17 44 #25. Page 42, by inserting after line 26 the
17 45 following:

17 46 _____. USE OF TEAM=BASED VARIABLE PAY MONEYS
17 47 FOR FY 2003=2004. Notwithstanding section 284.13,
17 48 subsection 1, paragraph a, of the moneys reserved for
17 49 purposes of team=based variable pay for the fiscal
17 50 year beginning July 1, 2003, and ending June 30, 2004,
18 1 the sum of two hundred thousand dollars shall be used
18 2 for purposes of the reading instruction pilot program
18 3 established pursuant to 2003 Iowa Acts, House File
18 4 549, if enacted.>

18 5 #26. Page 42, by inserting after line 26 the
18 6 following:

18 7 _____. FULL=SIZE OFF=HIGHWAY VEHICLE
18 8 REGISTRATION PROGRAM == PLAN. The department of
18 9 natural resources and the state department of
18 10 transportation, in consultation with the Iowa
18 11 association of four wheel drive clubs, shall develop a
18 12 plan for the establishment of a registration program
18 13 for full=size off=highway vehicles for the purposes of
18 14 regulating the recreational use of full=size off=
18 15 highway vehicles and establishing a full=size off=
18 16 highway vehicle recreation area in the state. The
18 17 plan shall include an analysis of the number of full=
18 18 size off=highway vehicles expected to be registered
18 19 prior to the establishment of a full=size off=highway
18 20 vehicle recreation area and the number of
18 21 registrations expected after the establishment of such
18 22 a facility. The plan shall also include optimum
18 23 locations for a full=size off=highway vehicle
18 24 recreation area, estimated costs, if any, for
18 25 maintenance of the area, and any other issues the
18 26 departments and the association deem to be of
18 27 importance in the planning process. The plan, which
18 28 shall include any proposed legislation for
18 29 implementation of the plan, shall be submitted to the
18 30 legislative services agency and the general assembly
18 31 no later than January 1, 2004.

18 32 Sec. _____. ELIMINATION OF POSITION == IOWA LAW
18 33 ENFORCEMENT ACADEMY DIRECTOR. The merit position of
18 34 director of the Iowa law enforcement academy referred
18 35 to in section 80B.5, Code 2003, is eliminated
18 36 effective April 30, 2004.>

18 37 [#27](#). Page 43, by inserting after line 19 the
18 38 following:
18 39 . SMALLPOX VACCINATIONS. It is the
18 40 intent of the general assembly that public safety
18 41 workers, smallpox response teams, and others who will
18 42 be required to be vaccinated pursuant to the federal
18 43 Homeland Security Act be protected from both health=
18 44 related and other results of the federally required
18 45 vaccination. The emergency management division of the
18 46 Iowa department of public defense and local
18 47 governments should work with employees in the public
18 48 safety areas or response teams to achieve the
18 49 following:
18 50 1. Vaccinations should be given only on a
19 1 voluntary basis.
19 2 2. Extensive screening should be employed to
19 3 protect those workers who would be at risk from
19 4 current health conditions if vaccinated.
19 5 3. Reprisals or discrimination for workers not
19 6 voluntarily receiving vaccinations should be
19 7 prohibited.
19 8 4. Public employers should protect employees from
19 9 loss of income or seniority as a result of side
19 10 effects from vaccinations. Homeland security moneys
19 11 received by the emergency management division of the
19 12 Iowa department of public defense from the federal
19 13 government should include a set=aside to purchase
19 14 supplemental insurance for public safety or response
19 15 employees to cover those reactions not covered by
19 16 traditional employer=provided health insurance.
19 17 5. Disability or long=term reactions from
19 18 vaccinations should be considered a work=related
19 19 injury and should be covered by local or state
19 20 policies governing disability.
19 21 6. Vaccinations should be scheduled at staggered
19 22 times to allow for normal loss of staff time because
19 23 of vaccination=related illnesses without seriously
19 24 hampering public safety service.
19 25 7. Vaccinations administered in Iowa should meet
19 26 the requirements of the federal Needlestick Safety and
19 27 Prevention Act of 2000 that requires safety features
19 28 in the use of needles to administer medicine.
19 29 8. The emergency management division of the Iowa
19 30 department of public defense should coordinate efforts
19 31 to ensure adequate supplies of vaccinia immune
19 32 globulin and cidofovir and other appropriate medical
19 33 care and pharmaceuticals to protect those employees
19 34 who suffer reactions to vaccinations.>
19 35 [#28](#). Page 43, by inserting after line 30 the
19 36 following:
19 37 < . The amendments to sections 8.23, 8.31, and
19 38 8.57 which are first applicable to appropriations made
19 39 for the fiscal year beginning July 1, 2003.>
19 40 [#29](#). Page 43, by inserting after line 31 the
19 41 following:
19 42 < . The amendments to sections 15E.42, 15E.43,
19 43 15E.45, and 15E.51, which apply retroactively to
19 44 January 1, 2002, for tax years beginning on or after
19 45 that date.>
19 46 [#30](#). Page 44, by inserting after line 3 the
19 47 following:
19 48 < . The amendments to sections 518.18 and
19 49 518A.35.>
19 50 [#31](#). Page 44, by inserting after line 8 the
20 1 following:
20 2 20 3 section 80B.5 and enacting section 80B.5A are
20 4 applicable to the appointment of the director of the
20 5 Iowa law enforcement academy for the term beginning
20 6 May 1, 2004.>
20 7 [#32](#). Title page, line 3, by inserting after the
20 8 word the following: 20 9 investment tax credits and premiums taxes on mutual
20 10 insurance associations,>.
20 11 [#33](#). By renumbering, relettering, or redesignating
20 12 and correcting internal references as necessary.
20 13
20 14
20 15
20 16 JEFF LAMBERTI
20 17 SF 458.313 80
20 18 mg/cf